

1 THE HONORABLE MARSHA J. PECHMAN  
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10 UNITED STATES DISTRICT COURT  
11 WESTERN DISTRICT OF WASHINGTON  
12 AT TACOMA

13 THAN ORN, individually, THALISA ORN,  
14 individually, J.O. and C.O., by their  
15 Guardian, CLARISSE ORN,

16 Plaintiffs,

17 vs.

18 CITY OF TACOMA, a municipal  
19 corporation; and KRISTOPHER CLARK, in  
20 his individual capacity,

21 Defendants.

22 CASE NO. 3:13-cv-05974-MJP

23 ORDER GRANTING PLAINTIFFS'  
24 MOTION TO APPROVE MINOR  
25 SETTLEMENT

26 This matter comes before the Court on Plaintiffs' Motion to Approve Minor Settlement.

Plaintiffs' Motion to Approve Minor Settlement is GRANTED, which renders Plaintiffs' Motion to Enforce the Settlement Agreement MOOT (Dkt. No. 234). The settlement as outlined in the Plaintiffs' Motion to Approve Minor Settlement and the SGAL's Report of

ORDER GRANTING PLAINTIFFS' MOTION TO  
APPROVE MINOR SETTLEMENT

1 Court Appointed Settlement Guardian Ad Litem Recommending Approval is approved by the  
2 Court as reasonable and appropriate, the terms of which are outlined below:

3 The total amount of the settlement between Plaintiffs and Defendants is eight million  
4 dollars (\$8,000,000). Within ten (10) days of the date of this order, the Defendants' insurer,  
5 will deliver full payment of the settlement amount to Plaintiffs' counsel. The payment shall be  
6 made payable to "Pfau Cochran Vertetis Amala, PLLC in Trust for Plaintiffs Than Orn, Thalisa  
7 Orn, and Clarisse Orn as guardian for minors J.O. and C.O."

8 It is further ORDERED that after payment of \$4,269,861.77 (attorney fees of  
9 \$3,600,000.00, costs advanced of \$505,027.34, HCA lien of \$160,834.43, and trust legal fees  
10 of \$4,000.00) the remainder of the settlement funds shall be apportioned so that each plaintiff  
11 receives the following net proceeds from the settlement:

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A. Minor J.O.	- \$330,000.00
B. Minor C.O.	- \$330,000.00
C. Thalisa Orn	- \$330,000.00
D. Than Orn	- \$2,740,138.23

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14 It is further ORDERED that

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1. The above-referenced attorney's fees and costs advanced, as outlined in the  
2 Plaintiffs' Motion to Approve Minor Settlement and in the SGAL report are  
3 reasonable and shall be paid from the settlement proceeds.
2. The Plaintiffs' attorneys shall ensure that all payments required to satisfy the above-  
3 referenced HCA lien claim are paid out of the settlement proceeds.
3. Clarisse Orn, birth mother and natural guardian of J.O. and C.O., is authorized to  
2 execute any and all settlements and other papers, including but not limited to release

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ORDER GRANTING PLAINTIFFS' MOTION TO  
APPROVE MINOR SETTLEMENT

1 of claim documents, that may be required to finalize and effectuate this settlement  
2 agreement.

3 4. As outlined in the SGAL Report, the Court approves disbursement of the funds  
5 necessary for the purchase of musical instruments for the minor children from their  
6 apportionment of settlement proceeds; specifically the purchase of a cello for J.O.  
7 and a violin for C.O. The anticipated cost is within the range of \$10,000 to \$15,000  
8 per instrument.

9 5. As outlined in the SGAL report, the remainder of the proceeds of the settlement  
10 apportioned to J.O. and C.O. will be placed into a Trust for each child, with BECU's  
11 Trust Department serving as professional trustee. The anticipated funding amount  
12 for each Trust is in the range of \$315,000 to \$320,000. Plaintiffs' counsel is required  
13 to provide the trustee with confirmation of the purchase of, and with the purchase  
14 price of, the above-referenced musical instruments for record keeping of the minors'  
15 net proceeds and any disbursements therefrom. Plaintiffs' counsel must also, within  
16 60 days of the entry of this order, file proof of the funding of each Trust in  
17 accordance with the SGAL Report and this order.

18 6. The fees and costs of SGAL Virginia L. DeCosta, totaling \$4,808.50, are reasonable  
19 and are hereby approved. Because the work of the SGAL in this case inures to the  
20 benefit of the Defendants by ensuring the finality of settlement and release of the  
21 minor Plaintiffs' claims against the Defendants, the Defendants must pay, separate  
22 and in addition to the settlement amount, the above-referenced SGAL fees and costs.

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ORDER GRANTING PLAINTIFFS' MOTION TO  
APPROVE MINOR SETTLEMENT

1 Dated this 5th day of January, 2021.  
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Marsha J. Pechman  
United States District Judge

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APPROVE MINOR SETTLEMENT